UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

RAJOHINE JOHNSON,
Plaintiff,
v.

CITY OF NEWBURGH; CHIEF POLICE ANTHONY GERACI, individually and as an employee of the City of Newburgh Police Department; POLICE OFFICER KEVIN JODICE, individually and as an employee of the City of Newburgh Police Department; and THE MID HUDSON NEWS,
Defendants.

ORDER

22 CV 4450 (VB)

On June 30, 2022, defendant the Mid Hudson News moved to dismiss the sole count of the complaint against it. (Doc. #14). On July 27, 2022, defendants the City of Newburgh, Anthony Geraci, and Kevin Jodice filed a partial motion to dismiss. (Doc. #23).

Accordingly, it is hereby ORDERED that, by no later than August 5, 2022, plaintiff must notify the Court by letter whether he (i) intends to file an amended complaint in response to the motions to dismiss, or (ii) will rely on the complaint that is the subject of the motions to dismiss.

If plaintiff elects not to file an amended complaint, the motions will proceed in the regular course, and the Court is unlikely to grant plaintiff a further opportunity to amend to address the purported deficiencies made apparent by the fully briefed arguments in defendants' motions. See Loreley Fin. (Jersey) No. 3 Ltd. v. Wells Fargo Sec., LLC, 797 F.3d 160, 190 (2d Cir. 2015) (leaving "unaltered the grounds on which denial of leave to amend has long been held proper, such as undue delay, bad faith, dilatory motive, and futility"); accord F5 Cap. v. Pappas, 856 F.3d 61, 89–90 (2d Cir. 2017). The time to file opposing and reply papers shall be governed by the Federal Rules of Civil Procedure and the Local Civil Rules, unless otherwise ordered by the Court.

If plaintiff elects to file an amended complaint, he must file the amended complaint by no later than 14 days after notifying the Court of his intent to do so. Within 21 days of such amendment, defendants may either: (i) file an answer to the amended complaint; (ii) file a motion to dismiss the amended complaint; or (iii) notify the Court by letter that they are relying on their initially filed motions to dismiss.

Dated: July 27, 2022
White Plains, NY

SO ORDERED:

Vincent L. Briccetti
United States District Judge